

EXHIBIT S

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re:

"ZYPREXA"

PRODUCTS LIABILITY LITIGATION

-----x
BARNETT R. BENJAMIN, *et al.*,

Plaintiffs,

-against-

ELI LILLY & COMPANY,

Defendant,

-----x
PHILIP PENEPEDE, *et al.*,

Plaintiffs,

-against-

ELI LILLY & COMPANY,

Defendant.

-----x
APPEARANCES:

For Plaintiffs Barnett R. Benjamin, *et al.*:

Douglas & London
111 John Street
New York, New York 10038
By: Michael A. London, Esq.

For Defendant Eli Lilly & Company:

McCarter & English, LLP

ORDER

MDL-1596

CV 04-0893 (JBW)

CV 04-1078 (JBW)

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By: Samuel J. Abate, Esq.

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By: Andrew R. Rogoff, Esq.

Jack B. Weinstein, Senior United States District Judge:

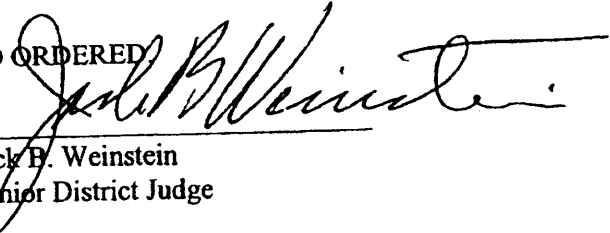
Eli Lilly & Company ("Eli Lilly") is sued for injuries allegedly resulting from the ingestion of its pharmaceutical product Zyprexa. The Judicial Panel on Multidistrict Litigation ("MDL Panel") has assigned all such cases to this court. A preliminary hearing was conducted on April 7, 2004.

By defendant's estimate, approximately fourteen million individuals have used Zyprexa. The parties informed the court that they expect additional related cases to be filed in the near future in state and federal courts. The federal cases will in due course reach this court.

The parties shall send a letter to the litigants in, and judges for, each of the state court cases indicating that this court intends to provide for coordinated discovery on the underlying scientific and related issues. The letter shall notify the addressees that they may wish to take appropriate action to coordinate or integrate discovery with that in this court. Appropriate action may include stays, stipulations to be bound by discovery in the MDL cases, stipulations to receive notice of any discovery in the MDL cases, and stipulations or orders to participate in any discovery in those cases.

The case is set for a status conference in this court on June 15, 2004 at 10:00 a.m. Parties may arrange with Ms. June Lowe, Case Manager, to be present by telephone. Her telephone number is (718) 260-2525.

SO ORDERED



Jack B. Weinstein
Senior District Judge

Dated: April 16, 2004
Brooklyn, New York